



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

**Toshiya SUZUKI**

Group Art Unit: **2822**

Serial No.: **09/765,437**

Examiner: **GUERRERO, Maria F.**

Filed: **January 22, 2001**

P.T.O. Confirmation No.: **9007**

For: **SEMICONDUCTOR DEVICE HAVING A CAPACITOR WITH RARE METAL ELECTRODE**

**RESPONSE TO ELECTION OF SPECIES REQUIREMENT**  
**DATED November 10, 2003**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

December 8, 2003

Sir:

In response to the Election of Species Requirement dated November 10, 2003, the applicants provisionally elect to prosecute the species embodying Species III, a method of patterning a rare metal layer. Claims 15-20 and 25-28 read on this species. Further, claim 21 reads on the product device having a patterned rare metal layer. The applicants reserve the right to file a divisional application on the non-elected claims.

The applicants respectfully request an early examination on the elected claims 15-20 and 25-28 and favorable action on the merits. If the Examiner has any questions with this Response, please feel free to call the undersigned at the indicated telephone number.

In the event that this paper is not timely filed, applicant hereby petitions for an appropriate extension of time. The fee for any such extension may be charged to our Deposit Account No. 50-2866.

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In the event any additional fees are required in connection with this response, please charge our Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP



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Attorney for Applicant  
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SK/fs

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**38834**

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